

REMARKS/ARGUMENTS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Applicant affirms his prior election with traverse of Group I, claims 15 to 19, reserving their rights under 35 USC § 121 to file a divisional application for the nonelected claims.

Status of Claims

By this Amendment, the specification is amended, claims 10-12 are canceled, and claims 15-19 are amended. Claims 15-19 are pending.

Renumbering of Claims – future required changes

In the Office Action of June 3, 2003, which was a restriction requirement, the Examiner indicated that she had renumbered claims 10-28 as claims 15-33. The attached listing of the claims reflects this renumbering. Some of those claims, however, are dependent claims and therefore refer to other claim numbers. For example, Claim 11, renumbered to be Claim 16, refers to Claim 10 on which it depends. For the correction of claim numbers to be consistent, Claim 16 needed to be amended to depend on Claim 15. This type of correction was done for newly numbered Claims 16-19. It was not done for newly numbered claims 21-23 and 25-33 as they are not currently pending. If at some future time, if any of Claims 21-23 or 25-33 are pending, they will have to be amended so that the claims they depend on are correctly specified.

Objection regarding reference to priority document (Page 3 of Office Action)

The reference to the priority document has been added by amendment as requested by the Examiner.

Objection to spelling of Dulse (Page 3 of Office Action)

The spelling has been corrected as suggested by the Examiner.

Objections to Claim 15 (Pages 3 and 4 of Office Action)

Claim 15 has been amended to read “comprising *a* water soluble extract” as requested by the Examiner.

Claim 15 has been amended to include the phrase, “for treating viruses,” in order to clarify the intended use of the claimed compositions. The claim still implies that the claimed compositions be effective for such use.

Rejection of Claims 10-12 and 16-19 under 35 U.S.C., second paragraph (Page 5 of the Office Action)

The Examiner has requested that Applicant either cancel claims 10-12 or amend them to depend on a pending claim. To expedite processing of the application, Applicant has cancelled these claims as they are sufficiently similar to Claims 21-23 that they are likely to face a restriction requirement. (The difference between the two sets of claims is in the language of the claims they depend on).

Applicant reserves the right to include cancelled claims 10-12 in any future divisional application, especially one in which Claim 9 is pending.

The Examiner has suggested that the Claim 16 be made dependent on Claim 15.

Applicant has amended Claim 16 to depend on Claim 15, as suggested by the Examiner.

The Examiner has requested that Claims 16, 17 and 19 be clarified as regards use of the term "adapted". Applicant has amended Claim 16 to clarify the meaning of the word "adapted" by deleting that word and adding the phrase "further comprising a carrier selected from the group consisting of an orally acceptable carrier, an intravenously acceptable carrier and a topically acceptable carrier", as suggested by the Examiner.

Claims 17 has been similarly amended by deleting "adapted" and adding the phrase "wherein the carrier is an orally acceptable carrier." Additionally, Claim 19 has been amended by deleting the word "adapted."

The Examiner has suggested that Claim 18 be amended to make it more definite. Claim 18 has been amended in a manner similar to that suggested by the Examiner.

**Rejection of Claims 15-17 and 19 under 35 U.S.C. 102(b) as being anticipated by Briand
(Pages 7-8 of the Office Action)**

Claim 15 specifically states that the composition is one that is "for treating viruses". This limitation is carried over to Claims 16-19 as they are dependent, directly or indirectly, on Claim 15.

Claim 19, further claims the composition "for administration in the treatment of the Herpes family."

Briand does not disclose the use of the compositions for the treatment of viruses. Therefore, the claims are not anticipated.

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Amendment Dated December 11, 2003

Rejection of Claims 15-19 under 35 U.S.C. 103(a) over Briand (Pages 8-9 of the Office Action)

Claim 15 specifically states that the composition is one that is "for treating viruses". This limitation is carried over to Claims 16-19 as they are dependent, directly or indirectly, on Claim 15.

Claim 19, further claims the composition "for administration in the treatment of the Herpes family."

Briand does not show or suggest the use of the compositions for the treatment of viruses. Therefore, the claims are not obvious.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Respectfully submitted,

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